# Minutes Town of Lake Park, Florida Regular Commission Meeting Wednesday, September 17, 2014, 6:39 PM Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, September 17, 2014 at 6:39 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager Dale S. Sugerman, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

#### SPECIAL PRESENTATIONS/REPORTS

1. Certificate of Appreciation to James Hart for his Years of Service as Harbor Marina Director.

Mayor DuBois presented the certificate to James Hart.

Mr. Hart stated that it had been pleasure working for the town manager and the staff. He thanked the Commission.

#### **PUBLIC COMMENT:**

Sue Duchene, 134 Park Avenue, stated that she has noticed vagrants at the Evergreen House.

Mayor DuBois stated that he would speak with the Palm Beach County Sheriff's Office (PBSO) deputy regarding the Evergreen House.

#### **CONSENT AGENDA:**

- 2. First Public Hearing on the Budget Meeting of September 3, 2014
- 3. Regular Commission Meeting Minutes of September 3, 2014

Motion: Commissioner O'Rourke moved to approve the Consent Agenda; Commissioner Rapoza seconded the motion.

#### Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		

Mayor DuBois	X	
Motion passed 5.0		 

Motion passed 5-0.

#### PUBLIC HEARINGS - ORDINANCES ON FIRST READING:

None

#### **PUBLIC HEARINGS - ORDINANCE ON SECOND READING:**

4. Ordinance No. 12-2014 An Ordinance providing for the Town's Consent to the Inclusion of the Town into Palm Beach County's Fire/Rescue Municipal Service Taxing Unit (MSTU)

Town Manager Sugerman explained the item (see attached Exhibit "A").

Vice-Mayor Glas-Castro stated that when the topic of an MSTU came up during the budget workshops that she was interested in pursuing it. She stated that it offers transparency for the taxpayers to know specifically where this portion of their tax dollars are going.

Town Manager Sugerman explained how the tax bill is broken out, which clearly identifies how many mills go toward the MSTU versus general operating (see Exhibit "A").

Vice-Mayor Glas-Castro stated that her understanding is that there is no legislative authority to separate police services as a taxing unit.

Town Manager Sugerman agreed and explained that it is not just legislative authority from Tallahassee, but that there have been court cases that have determined that it is unconstitutional.

Mayor DuBois stated that he contacted several individuals to get clarification on the MSTU. He stated that in the Palm Beach County Fire Rescue contract it states that the same mill rate applies as that of the County. He explained that the level of service would not change by joining the MSTU.

Town Manager Sugerman explained that this ordinance would not take effect until the 2015-2016 budget. He further explained that if the Commission adopted this ordinance that the next step in joining the MSTU would be to notify the County of the Town's desire to join the MSTU. The Palm Beach County Board of County Commission would have to approve the Town joining the MSTU.

#### **Public Comment:**

None

#### **Public Comment Closed:**

Motion: Vice-Mayor Glas-Castro moved to approve Ordinance 12-2014 on second reading; Commissioner O'Rourke seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Baird read the Ordinance into the record by title only.

#### **NEW BUSINESS:**

#### 5. Resolution No. 30-09-14 Adjusting the Building Permit Fee Schedule

Nadia DiTommaso presented the item (see attached Exhibit "B").

Vice-Mayor Glas-Castro stated that she finds the fees acceptable. She asked for clarification regarding the re-inspection fees.

Community Development Director DiTommaso explained that the re-inspection fee would be \$75 for each re-inspection.

Commissioner Flaherty stated that he supports most of the fee adjustments, but expressed concern with raising the base permit fees.

Motion: Commissioner O'Rourke moved to approve Resolution 30-09-14; Vice-Mayor Glas-Castro seconded the motion.

The Commission discussed re-inspection scenarios and the proposed fee schedule associated with re-inspections.

#### Vote on Motion:

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Commission Member	Aye	Nay	Other
Commissioner Flaherty		X	
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 4-1.

# 6. Resolution No. 31-09-14 To Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Harbor Marina Director

Human Resource Director Bambi Turner presented the item (see attached Exhibit "C").

Commissioner O'Rourke asked for clarification on the changes that are being proposed.

Human Resource Director Turner explained all the changes that were being proposed (see Exhibit "C").

Mayor DuBois stated that emergency management duties are not included in the job description.

Human Resource Director Turner agreed to include language regarding emergency management duties.

Motion: Commissioner O'Rourke moved to approve Resolution No. 31-09-14 as amended; Commissioner Rapoza seconded the motion.

#### Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

#### TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird stated that he has spoken with the Department of Justice Attorney MacFarland and is expecting to receive information from him for the Commission. He stated that once he receives the information that he would be working with the Town Manager to bring an agenda item forward so that the Commission can review the information either in a regular or workshop setting.

**Town Manager Sugerman** announced the Sunset Celebration being held on September 26, 2014 from 6:00 p.m. until 9:00 p.m. at the Harbor Marina.

Commissioner Rapoza had no comments.

Commissioner O'Rourke stated that he will be celebrating his birthday during the next Sunset Celebration and encouraged everyone to attend. He asked the Commission to consider allowing a resident, whom arrived after the public comment portion of the agenda, to speak.

Motion: Commissioner O'Rourke moved to allow a resident to speak under public comment for three minutes; Vice-Mayor Glas-Castro seconded the motion.

#### Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		

Mayor DuBois	X	
Motion passed 5.0		

Motion passed 5-0.

#### **PUBLIC COMMENT:**

John Hanley, 618 Date Palm Drive, commented on the employee salary caps on the budget.

Commissioner O'Rourke reminded everyone that today was the birthday of the Constitution.

Commissioner Flaherty thanked the residents that reached out to him regarding the budget. He thanked staff for their work on the budget. He thanked Mr. Hanley for attending the meeting.

Vice-Mayor Glas-Castro thanked Commissioner Flaherty for his assistance with the Eagle Scouts project. She reminded everyone that Wednesday, September 24, 2014 is the Palm Beach County League of Cities general monthly meeting being held in Gaines Park in West Palm Beach.

Mayor DuBois recapped a few of the meetings that he attended throughout the day. He stated that he spoke at the Northern Palm Beach County Chamber of Commerce Annual Mayor's meeting. He stated that he attended the Literacy Coalition luncheon with Commission Rapoza and Library Director Karen Mahnk. He thanked staff for their work on preparing the budget. He stated that the Town has been through some tough times, but things are beginning to change for the better.

#### **ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Flaherty and seconded by Commissioner Rapoza, and by unanimous vote, the meeting adjourned at 7:37 p.m.



#### **Town of Lake Park Town Commission**

#### Agenda Request Form



Meeting Date:

September 17, 2014

Agenda Item No. Tab 4

AN ORDINANCE PROVIDING FOR THE TOWN'S CONSENT Agenda Title: TO THE INCLUSION OF THE TOWN INTO PALM BEACH COUNTY'S FIRE/ RESCUE MUNICIPAL SERVICE TAXING UNIT (MSTU) **CONSENT AGENDA** SPECIAL PRESENTATION/REPORTS [ ] [] **OLD BUSINESS BOARD APPOINTMENT** [] PUBLIC HEARING ORDINANCE ON SECOND READING [X] **NEW BUSINESS** [ ] OTHER: [] Approved by Town Manager \_\_\_\_\_ Finance Director Name/Title

Originating Department:	Costs:\$0.00 Funding Source: Acct. # [ X ] FinanceBKR	Attachments: Ordinance No12-2014
Advertised: Date: Paper: [ X ] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone or Not applicable in this case _BKR_ Please initial one.

#### **Summary Explanation/Background:**

During the second workshop meeting of the draft of the 2014-2015 annual operating budget, the Town Commission discussed the possibility of separating out the cost of the annual fire/rescue services from the ad valorum taxes collected within the General Fund, by participating in the already established Fire/Rescue MSTU within Palm Beach County. In order to do so, the Town Commission must give its consent to participate, and must do so by October 1, 2014 to make the tax roll for the Fiscal Year 2015/2016 (October 1, 2015). The Town may choose to be included in the Palm Beach County Fire/Rescue (PBCF/R) Municipal Service Taxing Unit (MSTU) pending County Commission acceptance. Selecting this method of funding for PBCF/R allows the MSTU to be funded directly from the taxpayer via the property tax bill and would eliminate the funding of PBCF/R from the annual budget of the Town of Lake Park. This method clearly shows the cost of the service directly to each taxpayer.

**Recommended Motion:** I move approval of Ordinance 12-2014 on second reading.

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By Local Board	105,168	2.4980	262.71	107,121	2.4980	267.59
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Everglades Construction	80,168	1850	4.71	82,121	0548	4 50
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#### **Town of Lake Park Town Commission**

#### Agenda Request Form

Exhibit "B"

Meeting Date: September 17, 2014 Agenda Item No. 7ab S					
Agenda Title: ADJUSTING THE BUILDING PERMIT FEE SCHEDULE.					
[ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA [ ] BOARD APPOINTMENT [ ] OLD BUSINESS [ ] PUBLIC HEARING - ORDINANCE ON 1st READING [X] NEW BUSINESS - RESOLUTION [ ] OTHER:  Approved by Town Manager Date:					
Originating Department:	Costs: \$ 0	Attachments:			
Community Development	Funding Source:  Acct. #  [ ] Finance				
Advertised: Date: <i>N/A</i> Paper: [ ] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <i>ND</i> or Not applicable in this case			

#### Summary Explanation/Background:

The Community Development Department's Building Division is continuing to see an increase in the number of general building permit applications coming into the Department. This seems to be due to the state of the improved economy. We believe that the Department will only continue to get busier. We also are very proud of the fact that, at no cost to the applicant, we are a one-stop shop providing a rather quick turnaround of permit applications; which is often referred to as "expedited" permitting. Of course, there are a variety of fees associated with obtaining a building permit. While the schedule of building permit fees has gone through modifications over the years, the actual building permit and related fees have not been adjusted since 2007. Given that it has been 7 years since the building permit and related fees were reviewed, an analysis of some Palm Beach County municipality fees was undertaken to see how the Town of Lake Park stacked up against some of the other municipalities in our County. We looked at the City of Boca Raton, the City of Delray Beach, the Town of Jupiter, the Town of Juno Beach, the Town of Highland Beach, the City of Palm Beach Gardens, and the City of West Palm Beach. It turns out that each of the

municipality fee schedules studied were structured differently and this is primarily due to varying day-to-day operations and personnel levels of each individual municipality; thereby making it very difficult to perform an apples-to-apples comparison.

With this being said, it turns out that all municipalities studied assess their building permit fees based on the value of the work being done and then also include additional fees for inspections, renewals and any additional reviews which might be required. While the Town's intention is not to nickel and dime applicants for all possible fees, certain fees, primarily for permit applications, reinspections, renewals, and additional hourly review, are inevitable. The comparison made between the different municipalities studied resulted in the following:

Municipality Name	Permit Fee based on \$2,400 job valuation for residential general construction/interi or remodel (roundest to nearest dollar)	Permit Fee based on \$25,000 job valuation for residential general construction/interio r remodel (roundest to nearest dollar)	Additional Inspection fees for reinspections; courtesy inspections; etc.	Permit Renewal or Reissuance Fee	Hourly (or other) rates for additional plan review or special projects	In-House or Contracted Out
City of Delray Beach	\$71	\$1,058	Yes (\$50)	Yes \$150	Yes (varies)	In-House
Town of Highland Beach	\$40 (plus additional inspection fees of \$50 each will apply for all trades)	\$375 (plus additional inspection fees of \$50 each will apply for all trades)	Yes (\$25 to \$200)	Yes \$50	Yes (varies)	Contracted Out
City of Boca Raton	\$124 (plus Engineering inspection fees for new constructions)	\$655 (plus Engineering inspection fees for new constructions)	Yes (varies)	Yes \$182	Yes (varies)	In-House
Town of Juno Beach	\$147	\$825	Yes (\$25 to \$250)	Yes \$75	Yes (varies)	Contracted Out
Town of Jupiter	\$75	\$500	Yes (\$75)	Yes (minimum \$75)	Yes (varies)	Contracted Out
City of Palm Beach Gardens	\$125 (plus additional \$100 for expedited review)	\$450 (plus additional \$100 for expedited review)	Yes (\$75 to \$300)	Yes (\$50 renewal / \$100 reissuance)	Yes (varies)	In-House

City of West Palm Beach	\$60	\$398	Yes (\$100 to \$250)	Yes (\$75 renewal/\$100 reissuance)	Yes (varies)	In-House and Contracted Out
AVERAGE (additional fees as indicated are included for the purposes of calculating an average for each category)	\$98 (includes "one-stop" permitting and all the personalized services that go along with doing business in a smaller municipality)	\$637(includes "one- stop" permitting and all the personalized services that go along with doing business in a smaller municipality)	\$25-\$100	\$50-\$185	N/A	N/A
LAKE PARK	EXISTING: \$60 PROPOSED: \$100.00	<b>EXISTING</b> : \$560 <b>PROPOSED</b> : \$600.00	EXISTING: Yes (\$50 to \$75)  PROPOSED: Yes (flat fee of \$75.00 for reinspections and \$40 for all other inspections not associated with a building permit)	EXISTING: None  PROPOSED: \$75.00	EXISTING: Yes  PROPOSED: Yes (will depend on contracted rate)	Contracted Out

The increases proposed are needed in order to bring us closer to the average comparable rates. As noted above, the adjustments will also allow the Town to assess an additional inspection fee for non-permit related inspections, as well as provide for a flat re-inspection fee rather than several re-inspection fees depending on how many times an inspection has failed. It will also allow the Town to charge an administrative fee for permits that have expired and have been approved by the Building Official for a renewal term of 6 months, or for permits that need to be reissued. Finally, given that the Town is currently out to bid for Building Official and related services, it is important that additional services which are contingent on contractual rates, be clearly identified on the permit fee schedule as proposed.

Recommended Motion: I move to APPROVE Resolution 30-09-14.



#### **Town of Lake Park Town Commission**



Meeting Date: September 17, 2014

Agenda Item No. 79b 6

	to Amend the Town of Lake Description for the Position	Park Uniform Classification of Harbor Marina Director		
SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA  BOARD APPOINTMENT [ ] OLD BUSINESS  PUBLIC HEARING ORDINANCE ON READING  NEW BUSINESS  OTHER:				
Approved by Town Manager Date: 9/3/14				
Name/Title HUMAN RESOURCES DIRECTOR				
Originating Department: Human Resources	Costs: \$ -0- Funding Source: Acct. # [] Finance	Attachments: Resolution; and, Revised Harbor Marina Director Job Description in Redline Format		
Advertised: Date: Paper: [x] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone Or Not applicable in this case BMT Please initial one.		

#### Summary Explanation/Background:

Currently, a job description exists in the Town of Lake Park Uniform Classification System entitled Harbor Marina Director. The purpose of this action is to revise this job description to update the minimum requirements and to make several housekeeping clarifications and corrections in the current job description.

A copy of the revised Harbor Marina Director job description is attached in redline format.

There will be no additional financial burden placed on the budget of the Town as a result of this action.

Recommended Motion: I move to adopt Resolution 31-09-14.



## **AGENDA**

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, September 17, 2014
Immediately Following the
Final Public Hearing on the Budget
Lake Park Town Hall
535 Park Avenue

James DuBois Mayor Vice-Mayor **Kimberly Glas-Castro** -Erin T. Flaherty Commissioner Michael O'Rourke Commissioner Kathleen Rapoza Commissioner Dale S. Sugerman, Ph.D. Town Manager **Town Attorney** Thomas J. Baird, Esq. Town Clerk Vivian Mendez, CMC

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.

- A. CALL TO ORDER/ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. SPECIAL PRESENTATIONS/REPORTS
  - 1. Certificate of Appreciation to James Hart for his Years of Service as Harbor Marina Director

Tab 1

D. PUBLIC COMMENT:

This time is provided for addressing items that <u>do not</u> appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a <u>TOTAL</u> of three minutes.

E. <u>CONSENT AGENDA</u>: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of

these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and <u>considered in its normal sequence on the Agenda</u>. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

2. First Public Hearing on the Budget Meeting of September 3, 2014

Tab 2

3. Regular Commission Meeting Minutes of September 3, 2014

Tab 3

### F. PUBLIC HEARINGS - ORDINANCE ON FIRST READING: None

#### G. PUBLIC HEARINGS – ORDINANCE ON SECOND READING:

4. Ordinance No. 12-2014 An Ordinance providing for the Town's Consent to the Inclusion of the Town into Palm Beach County's Fire/Rescue Municipal Service Taxing Unit (MSTU)

Tab 4

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; PROVIDING FOR THE TOWN'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE TOWN OF LAKE PARK'S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, ADVANCED LIFE PROTECTION, **SUPPORT** (OR **SIMILAR** EMERGENCY SERVICES), FIRE CODE ENFORCEMENT AND OTHER NECESSARY AND INCIDENTAL SERVICES; PROVIDING FOR INTENT, PURPOSE, CONSENT AND DURATION; PROVIDING FOR EARLIER REPEAL **PROVIDING FOR** REPEAL **OF ORDINANCE**; OF **ORDINANCES** CONFLICT; IN **PROVIDING** FOR **SEVERABILITY:** PROVIDING FOR AN EFFECTIVE DATE; ACKNOWLEDGING LIMITATION ON AD VALOREM MILLAGE RATE FOR MUNICIPAL PURPOSES.

#### H. NEW BUSINESS:

5. Resolution No. 30-09-14 Adjusting the Building Permit Fee Schedule

Tab 5

- 6. Resolution No. 31-09-14 To Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Harbor Marina Director Tab 6
- I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:
- J. <u>ADJOURNMENT</u>

Next Scheduled Regular Commission Meeting will be held on Wednesday, October 1, 2014